

CITY PLAN COMMISSION
Wednesday, March 21, 2018

A meeting of the City Plan Commission was called to order at 6:00 p.m. by Chairperson Rick Wiesner in the Council Chambers, City Hall, 421 Michigan Street.

Roll Call: Members Dennis Statz, Mike Gilson, Rick Wiesner, Robert Starr, Ron Vandertie, and Jeff Norland were present. Excused: Member Steven Hurley. Also present were Community Development Director Marty Olejniczak, Planner/Zoning Administrator Chris Sullivan-Robinson, and Community Development Secretary Cheryl Nault.

Adoption of the Agenda: Moved by Mr. Starr, seconded by Mr. Norland to adopt the following agenda:

1. Roll call.
2. Adoption of agenda.
3. Approval of minutes from February 21, 2018.
4. Requirements for Electronic Variable Message Signs.
5. Minimum yards for accessory buildings.
6. Conditional uses within Sturgeon Bay Zoning Code.
7. Adjourn.

Carried.

Approval of minutes from February 21, 2018: Moved by Mr. Gilson, seconded by Mr. Statz to approve the minutes from February 21, 2018. All ayes. Carried.

Requirements for Electronic Variable Message Signs: Mr. Sullivan-Robinson stated that Electronic Variable Message Signs are regulated through the sign code and are a permitted use within Commercial and Industrial zoning districts. The code originally required setbacks from other EVMS and from controlled intersections. At a later point, the Council removed those restrictions and added a minimum six second static message requirement. The Council “grandfathered” the existing EVMS from the new rule and it only applies to new signs. There are eight out of approximately 30 signs that are regulated by the six second static message rule. It is difficult to regulate the signs that are violating the operation standards when the grandfathered EVMS within the City don’t have to meet those same standards. The City received a request from one of the sign owners to consider relaxing the rules for EVMS. Mr. Sullivan-Robinson asked the Commission whether the code should be looked at to see if the signs are a safety issue, if all the signs should be regulated the same, or if the regulation should be changed.

Mr. Wiesner added that not all signs are in the same location, meaning that the highway signs are much different than ones located on a busy downtown street.

Mr. Gilson likes the current operational standards. The grandfathered signs should become conforming and give them a certain amount of time to do so. It is not a safe situation.

Mr. Statz agreed with Mr. Gilson and said the grandfathered signs need to go away.

Chairman Wiesner allowed comments from the audience. Chris Kellems, 120 Alabama Street, agreed with eliminating the grandfathered signs. She prefers no electronic signs at all.

Mr. Starr agreed that all signs should be treated the same. He doesn't like scrolling messages, but wasn't sure if a six second rule is appropriate. Businesses spend a lot of money on signage. Staff should reach out to other communities for input, as well as businesses with electronic message signs as to what is reasonable. He did not see these signs being distracting and was not ready to make any type of decision at this time.

Mr. Norland agreed with Mr. Starr. Previously owning a business and having experience with a grandfathered message sign, there is a certain time when a sign needs to change more rapidly if the message won't fit on the screen causing the need to scroll.

Mr. Vandertie thought that there could be a potential conflict with corporate businesses that follow their own operational standard.

Mr. Starr suggested contacting one or two business owners and talk with them. Grandfathering is unfair. They could be given a 6 month time period to correct it.

Mr. Olejniczak added that the six second rule came about approximately six or seven years ago and was based upon the State DOT standard they use along highways.

It was the consensus of the Commission that staff come back to a future meeting with options.

Minimum yards for accessory buildings: Mr. Sullivan-Robinson stated that at a previous Plan Commission meeting the height of an accessory building was discussed. The Commission recommended to make changes to the height regulations, including imposing larger yard requirements for buildings higher than 16 feet. The Commission also wanted to consider the setback requirements for an accessory building if it is as large or larger than the square footage requirement of a dwelling. Staff reviewed other municipality's zoning requirements. Most were similar to the City's requirements, but staff came up with some options for a potential amendment. A potential ordinance would increase the minimum side and rear yards to 10 feet for accessory buildings larger than 800 square feet, which is the minimum floor area for a dwelling in the R-2/R-3 districts.

Mr. Gilson felt that the setback should be based on the size of the lot in the neighborhood. A larger lot should have a bigger setback, such as in new, larger neighborhoods.

Mr. Wiesner stated that the rules to protect neighbors should be looked at. Variances can be applied for if a shorter setback was requested. He is in favor of a 10-foot setback.

Mr. Olejniczak recommended to keep it simple. A five-foot setback is not much for a larger building when a house only needs to have a 10-foot setback.

Mr. Norland asked how a setback rule based upon the size would impact existing buildings that are proposed to be expanded.

Chairman Wiesner allowed comments from the audience. Chris Kellems, 120 Alabama Street, stated that if someone wanted to be closer than 10 feet they can apply for a variance. Then neighbors can weigh in.

Mr. Norland added that many lots are narrow and have driveways on the property line. They have a problem turning into their garage. The setback should be based on the overall square footage of the lot.

Mr. Starr left the meeting at 6:36 p.m.

Mr. Vandertie thought that lot width is more important than lot size.

After a lengthy discussion, it was the consensus of the Commission for staff to come back to a future meeting with examples.

Conditional uses within Sturgeon Bay Zoning Code: Mr. Olejniczak stated that In November, 2017, Wisconsin Legislature adopted a statute known as Act 67. It amended statutes pertaining to municipal zoning and the way conditional uses are regulated. If an applicant for a conditional use permit meets or agrees to meet all of the requirements and conditions specified in the zoning ordinance or imposed by the Plan Commission, the City shall grant the conditional use permit. The law also requires that any conditions imposed must be related to the purpose of the ordinance and be based upon substantial evidence. The City still has the authority to deny a conditional use application, but can no longer rely on public opposition or general standards to do so. It can still create specific conditions for a proposed use, but it must relate to the purposes of the code and must be supported by substantial evidence.

Mr. Olejniczak asked members if any amendments might be warranted for the code.

Mr. Norland suggested to eliminate conditional uses all together and take the next lower zoning district where it would be a permitted use.

Mr. Wiesner asked what the staff's opinion was. Mr. Olejniczak stated that options include maybe eliminating some uses from the conditional use section, drop conditional uses from the code altogether, create a detailed list of specific standards for each conditional use, and see if there are certain conditional uses that could be changed to permitted uses. Other options are to see what standards other communities have developed or hold off to see if there will be another State bill to give more guidance.

Chairperson Wiesner allowed the public to give comment. Chris Kellems, 120 Alabama Street, stated that the Commission needs to think about the Comp Plan. When looking at a conditional use and conditions are placed on it, don't vote it down. Citizens who come to protest a conditional use need to be educated unless they have some statistical evidence.

Mr. Statz felt if the conditions and standards were met, the conditional use should be approved. He was okay with looking at revising the list of conditional uses.

Mr. Gilson said there is a need for a conditional use process. This should be sent back to staff and to tweak it for now.

Mr. Norland said the City Attorney should weigh in. The consensus of the Commission was for Mr. Olejniczak to have the City Attorney take a look at this. He will come back to a future meeting with options or recommendations.

Public comment on non-agenda Plan Commission related items: Chris Kellems, 120 Alabama Street, invited members to attend a National Working Waterfront Network symposium to be held in Grand Rapids, MI on May 14-17, 2018. Also, the Congress of New Urbanism will be meeting the same dates in Savannah, GA, speaking about Rural America.

Adjourn: Moved by Mr. Norland, seconded by Mr. Statz to adjourn. All ayes. Carried. Meeting adjourned at 7:04 p.m.

Respectfully Submitted,

Cheryl Nault
Community Development/Building Inspection Secretary